

proceed to S. 1, a bill to approve the Keystone XL Pipeline, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY) and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Louisiana (Mr. CASSIDY) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Nevada (Mr. REID), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 3 Leg.]

#### YEAS—63

Alexander	Ernst	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heitkamp	Rounds
Carper	Heller	Sasse
Casey	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johnson	Sullivan
Corker	King	Tester
Cornyn	Kirk	Thune
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	Manchin	Udall
Daines	McCain	Vitter
Donnelly	McCaskill	Warner
Enzi	McConnell	Wicker

#### NAYS—32

Baldwin	Heinrich	Nelson
Blumenthal	Hirono	Peters
Booker	Kaine	Reed
Boxer	Klobuchar	Sanders
Cantwell	Leahy	Schatz
Cardin	Markey	Schumer
Coons	Menendez	Shaheen
Durbin	Merkley	Stabenow
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	

#### NOT VOTING—5

Brown	Reid	Wyden
Cassidy	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Pennsylvania is recognized.

#### MORNING BUSINESS

Mr. TOOMEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each and that that time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

#### KEYSTONE XL PIPELINE

Mr. TOOMEY. Mr. President, first, I congratulate my colleagues Senator HOEVEN and Senator MANCHIN, the cosponsors of this legislation. I also commend the energy committee chair, Senator MURKOWSKI. This is important legislation. It is long overdue that we take this up, but it is encouraging that we finally are doing that. So I commend them for that.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Could Senators please take their conversations out of the Chamber. The Senate will be in order.

The Senator is recognized.

Mr. TOOMEY. Thank you, Mr. President.

A couple of things about the Keystone Pipeline, and then I wish to talk about an amendment I am going to be offering.

First, I think one of the encouraging things about approving this pipeline is the benefits for the environment. The fact is we will be moving oil on a pipeline which is a cleaner, safer way to do it than any available alternative. That is good news.

It is good news that it is going to create jobs across our country. The State Department has estimated 42,000 jobs in the development of this pipeline. That is terrific news for everyone who is going to get a chance to benefit from that work.

Clearly it is going to reduce our dependence on non-North American oil, which can only be good from a geopolitical point of view as well as an economic point of view. Of course, the fact is this legislation has bipartisan support and has for a long time. It received 31 Democratic votes in the House, 14 Democratic votes in the Senate, as well as every Republican Senator the last time it was brought up. It is strongly supported by the labor community because they recognize the benefits of the jobs it will create, and I urge my colleagues to support this important legislation.

I also would like to take a moment to thank Leader MCCONNELL for doing exactly what he said he would do and what many of us said we needed to do in this Chamber, which is to reopen this body—reopen it and have debate and put legislation on the floor and open it for amendment. Let's have a discussion. Let's change policy in this country in ways that will be constructive. We are beginning this process now as we said we would, and I think that is terrific and I intend to take advantage of the opportunity.

I have several amendments I am going to file and I intend to bring up with respect to this legislation. One is going to be an amendment that will en-

courage a transition of our Federal Government's vehicle fleet from the current practice of burning gasoline mostly, and I encourage the adoption of natural gas as an alternative fuel because natural gas is cleaner, it is domestic, it is actually cheaper. Without any government subsidy or taxpayer help, natural gas is a cheaper source of fuel.

We have a staggering quantity. The United States is the world's No. 1 producer of natural gas. We have 2.2 quadrillion cubic feet of natural gas. That is too big a number for me to wrap my brain around, but let's put it this way: That is the gas we know of, and it is enough to last the next 85 years, based on any plausible projection of our use. It is a staggering amount.

I have another amendment that also has bipartisan support. I thank Senator FEINSTEIN, Senators FLAKE and MANCHIN for supporting the effort to repeal the corn ethanol mandate in our fuel. This is a very bad policy that we have had for far too long. It is time to end this mandate that we grow corn and use it to burn in our gas tanks. It is a practice that is bad for the environment. It raises the cost of filling our tanks. It raises the cost of food because so much of our corn production goes into this, and it is not good for our engines. There is no good reason to continue this, and I look forward to having the debate that will enable us to repeal the corn ethanol mandate.

But the amendment I wish to talk about is another bipartisan amendment. I thank Senator CASEY for being the Democratic cosponsor for this amendment, and I thank Senator HATCH for joining me. This is an amendment that will preserve an important, environmentally beneficial source of alternative energy that we have especially in Pennsylvania and West Virginia, and it is under threat by two new rules that have been proposed by the EPA.

Let me give a little bit of background as to why we have gotten to this place. In Pennsylvania and West Virginia we have been mining coal for well over a century, and for many of the decades, especially in the early years of our coal development, we took the high-energy density coal and our coal miners sold it to the steel industry where it was used in the manufacturing process of making steel, and the low-energy coal was left in piles—huge piles—actually mountains. It is often referred to as waste coal.

The first photograph illustrates one of these waste coal piles. It is in Nanty Glo in Cambria County, PA. It is one of many piles or, as I say, mountains throughout Pennsylvania and West Virginia. The Pennsylvania Department of Environmental Protection estimates that there are 2 billion tons of waste coal such as this covering 180,000 acres in Pennsylvania alone. Think about that. It is a massive scale because of over a century of legacy of coal mining. Some of these piles are literally in people's backyards.

Here we can see the people who live literally within a stone's throw—if you have a reasonably good arm—within a stone's throw you can reach this pile. That is also Nanty Glo in Cambria County. There are people who live within a couple of hundred feet.

What is the problem with these mountains? The problem with these mountains of coal is it rains on them, and when it rains the runoff is horrendous. It looks like this. It looks like this in every one of these mountains of waste coal everywhere that one exists, every time it rains. In 2003 in an op-ed entitled "The Benefits of Waste Coal," former Democratic Governor of Pennsylvania Ed Rendell's Department of Environmental Protection secretary, whose name is Kathleen McGinty, wrote: "For years these piles sat abandoned, generating iron, manganese and aluminum pollution that discharged as runoff into Pennsylvania's waterways."

That is exactly what happens when these piles just sit here.

In 2011 the Pennsylvania Department of Environmental Protection report states:

Coal refuse piles that are not removed (i.e. burned for fuel) generally create severe acid mine drainage, with pH in the 2.5 range . . .

A pH that high, by the way, is somewhere between the intensity of stomach acid and hydrochloric acid. That kind of acidic chemical running into our waters is enormously damaging.

Slide No. 4 is another depiction of exactly what happens when rainwater runs through these piles and finds its way into the streams, rivers, ponds, and lakes of Pennsylvania. It pollutes hundreds of miles of rivers and streams.

In 2007 former Democratic Governor of Pennsylvania, Ed Rendell said:

These piles are domestic energy sources that have significant value when put into production in CFB cogeneration plants. When left on the ground, waste coal presents a grave environmental threat. Runoff from these piles contributes to the "abandoned mine drainage" that is the second leading water pollution problem in the Commonwealth, literally killing all life in some 2,000 stream miles in Pennsylvania.

But that is not all. Photo No. 5 shows something else that happens with these piles. They catch fire. They spontaneously combust. It could be from lightning, carelessness, and sometimes it is unknown, but they catch fire. This particular photo is from Fell Township in Lackawanna County, PA.

The pile caught fire in December of 2013. It burned for over a year. It is very hard to put these fires out. It burned out of control with, obviously, no ability to do anything about the pollutants that are being released by the combustion because it is completely uncontrolled.

We think the fire went out in January, but authorities are still not certain that it may not be smoldering somewhere below the surface. By the way, this mountain is 600 feet from residential housing. What is the effect of

this kind of combustion on the residents in that area?

How much of this will burn? Maybe some people think this is just a freak incident. Not really, the Pennsylvania Department of Environmental Protection estimates that 6.6 million tons of waste coal burns each year—unintended, uncontrolled, but it is burning—and in the process it emits 9 million tons of carbon dioxide and many tons of other uncontrolled air pollution.

What about cleaning all of this up? The costs would be absolutely staggering. Again, former Pennsylvania Department of Environmental Protection Secretary McGinty estimated that it costs between \$20,000 and \$40,000 to reclaim just one acre of waste coal. We have hundreds of thousands of acres of waste coal.

The Pennsylvania General Assembly has estimated it would cost approximately \$15 billion to remediate Pennsylvania's abandoned mine set. That is the bad news.

The good news is the market has figured out a solution to address this matter. The free market has developed a way to systematically eliminate these mountains of waste coal, and for decades we have had powerplants designed specifically for the purpose of burning this coal and doing so in a controlled and regulated fashion. They have removed 210 million tons of waste coal and used it to produce electricity.

They have remediated over 8,000 acres. They have generated 1.769 gigawatts of electricity, which is enough to power 1.3 million homes, and in the process the generation of electricity from this waste coal has directly resulted in creating 1,200 jobs.

In the past, the EPA has always acknowledged the benefits of systematically eliminating these mountains of waste coal and doing so by generating electricity. In fact, I will quote a report from the EPA in 2011 that says this: "Because of the unique environmental benefits that coal refuse-fired EGUs provide, these units warrant special consideration."

The problem I am here to address is that there are two new rules passed by the EPA that would bring an end to the systemic elimination of these mountains because these rules are prohibitive. It is not possible for the waste coal powerplants to comply with these rules, so they would all be shut down and we would be left with these piles indefinitely, which would mar our landscape and pollute our water and air.

The two specific rules that would do this—the cross-State air pollution rule is very likely to have the effect of imposing absolutely unattainable goals on waste coal powerplants, and the utility MACT rule establishes new and very stringent emission controls and a whole new generation of very stringent regulations that this industry cannot meet.

If these rules go into effect—and they are scheduled to go into effect later

this year—then waste coal and electric generation ends, and these plants close. As a result, we lose the electric power they have been generating, the 1,200 jobs they sustain, and the low-cost energy that is reliable and domestic. We will end up with a more serious air pollution problem when the spontaneous combustion continues, and we will have an ongoing problem with water and air pollution as the nearby streams and water table will be polluted.

That is why Senator CASEY, Senator HATCH, and I have joined together to offer an amendment to this legislation that will exempt the waste coal powerplants from the most onerous and prohibitive aspects of these new rules.

With respect to utility MACT, we would retain all of the regulatory limits on mercury, chromium, nickel, and other heavy metals, but it would exempt the waste coal plants from the cross-State air pollution rules, and it would allow these plants to continue remediating these waste coal sites.

I wish to stress that it is important to point out that all of the existing regulations that have long been in effect will remain in effect. What we are talking about are the two new rules that would be guaranteed to shut down the industry. Those two rules would not go into effect with respect to the waste coal electric generation.

The fact is if our amendment is adopted and becomes law, we will be helping our environment by continuing to systematically eliminate these blights. I want more success stories like the one in this photograph.

This photo was taken in Nesquehoning in Carbon County, PA. The first photo shows what the ground looked like when the waste coal was piled up. The second photo shows what happens after it has been consumed and the land has been restored. This happened precisely because there is a nearby waste coal powerplant that was able to take this coal, generate electricity for us to use, and restore the land to a much safer, much more environmentally friendly, and much more attractive environment.

We need to keep these plants operating. It is about improving our environment, it is about keeping people working, it is about the low-cost, reliable electricity that we have from it, and I urge my colleagues to support this amendment.

With that, I yield the floor.

#### MISSOURI'S EMANCIPATION PROCLAMATION

Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring the 150th anniversary of the State of Missouri's Emancipation Proclamation which ended slavery in the State of Missouri. This proclamation of freedom was imperative for democracy and progress in our State. It is undoubtedly a landmark in Missouri's history.

In 1720, the arrival of 500 slaves to the areas presently known as St. Louis